

## **Article 1. IN GENERAL**

### **1.1 Title:**

This chapter shall be known and cited as the Subdivision Regulations of the City of Brunswick, Maryland.

### **1.2 Authority:**

This chapter is established in accordance with the provisions of Article 66B of the Annotated Code of Maryland.

### **1.3 Jurisdiction:**

In accordance with the authority granted by Article 66B of the Annotated Code of Maryland as amended, the City of Brunswick, Maryland adopts this ordinance, governing the subdivision of all lands within the corporate limits of the City.

Developments bordering the corporate limits shall be referred to the Frederick County Planning Commission for comment.

### **1.4 Intent:**

In the best interests of the City of Brunswick and to assist the subdivider in harmonizing his interests with those of the City of Brunswick, the following regulations are adopted in order that adherence to same will bring results that are beneficial to both parties. It is deemed necessary to establish minimum standards for the design and development of all new subdivisions in order to eliminate piecemeal planning, insure sound community growth, assure and safeguard the provision of quality facilities, protect the interests of the homeowner, the subdivider, and the local government.

It shall be the duty of the Brunswick Planning Commission to require that all regulations set forth in this ordinance be complied with, before giving their approval to subdivisions as defined herein. It is the purpose of this ordinance to make regulations and requirements for the platting of land, which the City Council of Brunswick deems necessary for the health, safety, and general welfare of the citizens.

### **1.5 Definitions:**

- A. The following definitions shall apply to the text of these regulations:
  - 1. The particular shall control the general.
  - 2. In case of any difference of meaning or implication between the text of these regulations and any caption, illustration, summary table or an illustrative table, the text shall control.
  - 3. The words "shall" and "will" are always mandatory and not discretionary. The word "may" is permissive.

4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural implies the singular, unless the context indicates the contrary.
  5. A "building" or "structure" includes any part thereof.
  6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
  7. The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
  8. The word "he" shall also be read as "she."
  9. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by conjunction "and," "or" or "either ... or," the conjunction shall be interpreted as follows:
    - a. "And" indicates that all the connected items, conditions, provisions or events may apply separately or in any combination.
    - b. "Either ... or" indicates that the connected items, conditions, provisions or events shall apply separately but not in combination.
    - c. The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or characters.
  10. All terms defined under various sections of the City Zoning Ordinance, Adequate Public Facilities Ordinance, Design Manual, and where occurring in these regulations, shall have the meanings specified in the zoning ordinance, except where specifically defined in these regulations.
  11. The word "City" means the City of Brunswick, Maryland. The word "County" means Frederick County, Maryland. The word "State" means the State of Maryland. The term "county boundary" means any exterior boundary of the City.
  12. Throughout these regulations all other words, other than the terms specifically defined herein, shall have the meaning implied by their context in these regulations or ordinarily accepted definitions.
- B. As used in these regulations, the following terms shall be defined as follows:
- Adequate Public Facilities Ordinance (APFO):** City of Brunswick Ordinance, which sets forth standards and criteria to determine adequacy of public facilities and services for development.
- Agricultural activity:** The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, fish culture, animal and poultry husbandry. The above uses shall not include the business of garbage feeding of hogs, fur farms, or the raising of animals for use in medical or other tests or experiments.

**Alley:** A right-of-way of narrow width publicly owned and maintained and used principally as a means of secondary access to the side or rear of abutting properties.

**Alley, private:** A right-of-way of narrow width privately owned and maintained and used principally as a means of secondary access to the side or rear of abutting properties.

**Amendment:** Any repeal, modification, or addition to a regulation; any new regulation.

**Block:** A tract of land within a subdivision that is entirely bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines of the City.

**Boundary survey:** The determination of boundaries and areas of tracts of land including the re-establishment of original boundaries, and the establishment of such new boundaries as may be required in the partition of the land. Ownership, commencing with the earliest owners, and descending through successive ownerships and partitions usually defines Land boundaries.

**Building development:** The improvement of land by the addition thereto of structures for residential, commercial or industrial uses.

**Building envelope:** The area formed by the front, side and rear building lines in which the principal buildings must be located.

**Building line:** A line beyond which, the foundation walls and/or any enclosed porch vestibule or other enclosed portion of a building or structure shall not project equal to the depth of the minimum required yard for the zoning district in which the lot is located as established by the Zoning Ordinance of the City. The handle of a panhandle lot shall not be considered in determining the location of the building line.

**Building Restriction Line:** A line beyond which the foundation wall of any building or structure or portion thereof shall not project, as determined by the setback requirements of each particular zoning district. No building/structure or portion thereof shall project beyond the building restriction line, with the exception of architectural features as defined in these regulations, the Zoning Ordinance and Design Manual.

**Capital improvements program:** An annual document prepared by the City indicating city capital projects having an authorization for the current fiscal year and those capital projects which are currently planned for the following five year period.

**City Engineer:** The professional engineering firm under contract with the City of Brunswick. The City Engineer will serve as the technical authority on all matters requiring a certified engineer.

**City Planner:** The staff position established by the City of Brunswick.

**Combined preliminary/final plat:** The final drawing, for subdivisions from one to five (5) lots, upon which the subdivider's plat of subdivision is

presented to the planning commission for approval along with certain information normally shown only on the preliminary plat and which, if approved, will be recorded in the land records of the county.

**Common driveway:** A travelway shared and maintained by two (2) or more property owners for the purpose of providing ingress and egress to their properties.

**Comprehensive development plan:** A composite of mapped and written proposals to guide the systematic physical development of the City, adopted by the Mayor and Council, including all changes and additions thereto made under the provisions of Article 66B of the Annotated Code of Maryland. The comprehensive development plan includes a land use plan, a transportation plan, a community facilities plan, a recreation plan and other attendant facility plans.

**Condominium:** A condominium is an ownership arrangement, not a land use; therefore, it is allowed in any district and under the same restrictions as the land uses that it comprises. A condominium shall not negate lot nor other requirements intended to provide adequate light, air and privacy. A condominium has all of the following characteristics:

- a) The use (the interior and associated exterior areas designated for private use in the development plan) is owned by the occupant;
- b) The unit may be any permitted dwelling type;
- c) All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Condominium Act of the state and other requirements specified in the City code regarding such open spaces.

**Corner lot:** see "lot types."

**County:** Frederick County, Maryland.

**County Comprehensive Plan:** The officially adopted master plans for the comprehensive development of Frederick County, or any part of such plan or any amendments thereto.

**Crosswalk:** A pedestrian crosswalk, affording means of pedestrian travel from one side of the street to the other.

**Cul de sac:** A short residential street having but one end open for vehicular traffic, the other being permanently terminated by a turnaround for vehicles.

**Dedication:** The deliberate setting aside or appropriation of land by its owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

**Department of Public Works:** The City of Brunswick Public Works Department (in the person of the Director of Public Facilities).

**Design Manual:** Those manuals for the construction of all public improvements as approved by the Mayor and Council adopted October 2000.

**Developer:** An individual, partnership or corporation (or agent thereof) that undertakes the responsibility for any or all of the activities covered by these regulations, particularly the designing of a subdivision or development plan or plat showing the layout of the land and the public improvements involved therein. Inasmuch as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term "developer" is intended to include the term "subdivider," even though the personnel involved in successive stages of the project may vary.

**Development:** The area of land which is subject to a change in use (preliminary plat or site plan approval) or the expansion of an existing use, and which is subject to subdivision or site plan review.

**Double-frontage lot (through lot):** see "lot types."

**Easement reservation:** A strip of land extending along a property line or across a lot, for which an easement has been or is to be granted for a specific purpose or purposes. All easement reservations are to be maintained in perpetuity for intended purposes unless otherwise noted on the record plat.

**Final Plat:** The final map, drawing or chart upon which the subdivider's plan of subdivision is presented to the Planning Commission for approval, and which, if approved, will be submitted for recording among the land records of Frederick County.

**Floodplain:** The land typically adjacent to a body of water with ground surface elevations that are inundated by the base flood and those areas defined by the Department of Housing and Urban Development (HUD), Flood Insurance Rate Map (FIRM), and in Natural Resources Conservation Service (NRCS) Soil Survey maps.

**Frontage:** see "lot frontage."

**Front lot line:** see "lot line, front."

**Grading Plan:** A horizontal plan graphically showing to scale lot lines with dimensions, proposed and existing roads, existing and proposed topography, limit of proposed cut or fills, proposed and existing drainage structures, drainage patterns, proposed and existing driveways, etc., within the area disturbed due to physical improvements associated with the subdivision process.

**Gross area:** All area within a subdivision plan or plat including that intended for residential use, steep slopes, local access streets and alleys, off-street parking spaces, subdivision recreation sites, and floodplains.

**Gross acre:** A commonly referred to measure of gross area. See also "gross area."

**Gross density:** The number of dwelling units per gross acre of a subdivision or land development.

**Health authority:** The deputy state health officer for the County or his duly authorized representative, having jurisdiction over the City health.

**Improvement plan:** A plan that graphically depicts to scale the physical improvements to land in the subdivision process.

**Improvements:** Changes and additions to land necessary to prepare it for building development sites, future use and including street paving and curbing, grading, monuments, drainage ways, sewers, fire hydrants, water mains, sidewalks, and other public works and appurtenances.

**Land survey:** see " boundary survey."

**Lot:** A parcel or portion of land separated from other parcels or portions either by description as on a subdivision plat, or a recorded survey map, or by metes and bounds, for the purpose of transfer, sale, lease or other changes in ownership or use.

**Lot area, Net:** The total horizontal area included within the rear, side and front lot lines excluding any streets.

**Lot depth:** The mean horizontal distance between the front and rear lot lines of a lot.

**Lot frontage:** The length of the front property line of the lot, lots or a tract of land abutting a public street, road or highway.

**Lot line, Front:** The lot line or lines abutting a road, except in cases of panhandle lots, in which case the handle shall not be counted; and the front lot line shall be that line determined to be closest to being the most parallel to the street on which the lot has frontage.

**Lot line, Rear:** The lot line or lines generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten (10) feet long or the lot comes to a point at the rear, such rear lot line is assumed to be a line not less than ten (10) feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of such front lot line.

**Lot types:** The following terminology is used in these regulations with reference to various types of lots:

- (1) **Corner lot:** A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
- (2) **Double-frontage lot:** see "lot types, through lot."
- (3) **Interior lot:** A lot (other than a corner) with only one frontage on a street other than an alley.
- (4) **Outlot:** A parcel of land within a subdivision, which has been included on a preliminary plat or a final plat, but not designated as a buildable lot. Establishment shall only be due to the necessity of providing access to adjoining properties, a continuation of appropriate street patterns, approved governmental use, and those uses defined as "essential services" in the Zoning Ordinance.

- (5) **Panhandle lot:** A polygonal shaped lot with the appearance of a "frying pan" or "flag and staff" in which the handle is most often used as the point of access to a street or road. The "handle," when less than the minimum width for a building lot in the zoning district in which it is located, is not to be used in computing the minimum required area or delineating the minimum required "building envelope." The handle must also be of a uniform width.
- (6) **Through lot:** A lot other than a corner lot with frontage on more than one street other than an alley.

**Master Plan, City:** see "Comprehensive development plan."

**Minimum lot frontage:** As established by the Zoning Ordinance, the least permissible width of a lot line abutting a street.

**Minimum lot width:** A building line, the least permissible width of a lot measured horizontally along the front building line.

**Minor subdivision:** Any subdivision containing not more than five (5) lots off the original tract (not including the remaining parcel).

**Net area:** see "lot area, net."

**Outlot:** see "lot types, outlot."

**Owner:** The person, partnership, corporation, company or other legal entity holding current legal title.

**Performance Guarantee:** A letter of credit or cash deposit made out to the City in an amount equal to the full cost of the improvements, which are required by this ordinance, being legally sufficient to secure to the City that said improvements will be constructed in accordance with this ordinance.

**Planning Administrator:** see "City Planner."

**Planning and Zoning Department:** A department within the City government that performs the administrative function for the Planning Commission and other functions as directed by the Planning Commission, City Administrator, or Mayor and Council. The principal point of contact will be the City Planner.

**Planning Commission:** Duly appointed Planning Commission of the City of Brunswick, Maryland.

**Preliminary plat:** The preliminary drawings and supplementary material indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

**Principal structure:** That construction or assembly of materials which combines to form an occupiable building, dwelling or dwellings, the intent of which is to provide for the main function of the principal structure. Accessory buildings attached to principal structures either directly or by breezeway will also be considered principal structure.

**Private alley:** see "alley, private."

**Private court:** A privately owned vehicular right-of-way in multifamily residential developments designated for ingress, egress and parking.

**Public:** "open to common use," whether or not public ownership is involved.

**Public improvements:** Any of the following: street pavement, with or without curbs and gutters, alley pavement, sidewalks, bridges, crosswalks, water mains; sanitary sewers, storm drainage systems and stormwater management facilities, with appurtenant construction; screen planting, street trees, street lighting and street signs.

**Public works agreement:** A contract between the developer and the City, to complete the necessary improvements in accordance with approved plans and specifications by a given date. Such contract to be guaranteed by a certified check, cash or an irrevocable letter of credit from a bank or other accredited institution, or other means as approved by the Mayor & Council.

**Rear lot line:** see "Lot line, rear."

**Reservation:** The assignment of land by a subdivider for a specified use, to be held by him for that use and no other to a future time.

**Resubdivision:** A further subdivision or modification of an existing subdivision either previously approved by the Planning Commission and recorded or recognized by the Planning Commission and recorded in either the land or plat record of the County. Resubdivision or modification of existing lots shall conform with the current zoning of the property, the comprehensive development plan, and shall fully conform with the subdivision regulations.

**Right-of-way:** A strip of land designated for the use of a street, highway, driveway, alley or walkway, or for any drainage or public utility purpose or other similar uses.

**Road:** A public route designated specifically for motor vehicle travel, including streets, highways, avenues, bridges and segments thereof.

**Service road:** A road not serving as a collector road, but merely providing access to properties fronting on a highway, which road is contiguous and parallel to the major highway. Adjacent here shall mean that no structure shall be built between the service road and the major highway.

**Setback:** see "building line."

**Site development plan (Site Plan):** The plan indicating the location of existing and proposed buildings, structures, paved areas, stormwater management, walkways, vegetative cover, landscaping and screening with a site proposed for development. The plan that is to be submitted to the Planning Commission for approval prior to the release of building permits on the site.

**Sketch plat:** A sketch indicating to the planning department the subdivider's general objectives and desires in regard to the future development of land.

**Stabilized surface:** Consists of an aggregate base course that has been treated with a bituminous emulsion seal coat. The bituminous emulsion seal

coat is then covered with a layer of stone chips. This surface is typically referred to as a tar-and-chip surface and is commonly applied in a two-step field process. This surface is not eligible for striping.

**Steep slope:** Areas that contain slopes over twenty-five (25) percent and are characterized by increased run-off, erosion and sediment hazards.

**Street:** An improved right-of-way dedicated to public use, which serves as a primary access to abutting lands.

**Street, Collector:** A street which, in addition to providing ingress to properties abutting thereon, is intended to collect traffic from, or distribute it to a series of local access streets within a neighborhood, as identified in the Master Plan.

**Street, local:** A street intended to serve and provide access exclusively to the properties abutting thereon, and not to be used as a channel for through traffic.

**Structure:** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**Subdivider:** see "developer."

**Subdivision:** A subdivision is any division of land for the purpose, whether immediate or future, of transfer of ownership or building development; or any change in existing street lines or public easement.

**Survey plat:** A drawing based on a boundary or land survey that shows accurately to scale the results of the field survey and office computations which will portray the size and shape of a certain parcel of land.

**Technical Advisory Committee:** In order to assist developers in getting information concerning these regulations the Planning Commission may organize a Technical Advisory Committee. The Committee shall meet at intervals necessary to enable developers to conveniently contact all departments involved. The developer shall prepare a preliminary plat before meeting with the Committee. The Committee may be composed of City staff, members of the Planning Commission, and any City, County or State department or agency concerned with development.

**Travelway:** The vehicle-traveled portion of any road surface, exclusive of the immediately adjacent drainage ditches, embankments, or grass shoulders not typically intended to handle daily traffic. Improved shoulders (gravel, stabilized, or paved) capable of handling occasional traffic or parking can be considered part of the travelway.

**Walkway:** As distinguished from a sidewalk and a crosswalk, which are incorporated in a street right-of-way, a walkway is a pedestrian right-of-way usually extending from a street into a block or across a block to another street.

**Yard:** An open space on the same lot with a building or group of buildings, lying between the building, or outer building of a group, and the nearest lot or street line, and unoccupied and unobstructed from the ground upward.

**Zoning Administrator:** The administrative officer in charge of zoning administration within the City corporate limits.

## 1.6 GENERAL REQUIREMENTS

- A. **Subdivider Must Prepare and Record Plat of Subdivision** -- From and after the adoption of these regulations, any owner of any tract of land located in the territory to which these regulations may apply, who creates a Subdivision, shall cause a plat of such subdivision to be made in accordance with the regulations set forth herein and with Article 66B of the Annotated Code of Maryland. After having secured the approval thereof by the Planning Commission, the subdivider shall cause a copy of the said plat to be recorded in the office of the Clerk of the Court. Any subdivision or portion thereof which may be in process of development, but has not had a plat recorded at the time of adoption of this regulation, shall also be subject to the requirements and procedures contained herein.
- B. **Approval of Plat Required** -- No plat of any subdivision shall be recorded until it shall have been submitted to and approved by the Planning Commission as provided herein. The Planning Commission shall not approve said plat unless it is satisfied that the requirements of these regulations have been complied with.
- C. **Transfer of Land -- Zoning Certificate** -- No lot in a subdivision created after the adoption of these regulations shall be transferred, sold, or offered for sale, nor shall a zoning certificate or building permit be issued for a structure thereon, until a Final Plat of such subdivision has been recorded in accordance with these regulations.
- D. **Penalties** -- Any subdivider who violates these regulations shall be subject to the penalties set forth in Section 5.05 of Article 66B, Annotated Code of Maryland, as amended (year 2000), which is as follows:

**"5.05 Penalties and Remedies for Sale or Transfer of Lots in Unapproved Subdivisions.**

- (a) Except as provided in §§ 14.03(c), 14.05(f), 14.06(d), and 14.07(e) and (f) of this Article, an owner or agent of an owner of land located within a subdivision who transfers or sells or agrees to sell or negotiate to sell any land by reference to, exhibition of, or other use of a plat of a subdivision before the plat has been approved by the planning commission and recorded or filed in the office of the appropriate county clerk, shall be subject to a civil penalty of not less than \$200 and not exceeding \$1,000 for each lot or parcel transferred or sold or agreed or negotiated to be sold.
- (b) The description of a lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring does not exempt the transaction from the penalties or the remedies provided in this section.
- (c) A local jurisdiction may seek to:
  - 1. Enjoin the transfer, sale, or agreement in any court of equity; or

2. Recover the penalty by civil action in any court of competent jurisdiction.”

- E. **Discrepancy** -- Wherever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the Zoning Ordinance or other official regulations of Brunswick, Frederick County, or other governmental agencies, the more severe standards shall apply.

## **Article 2. PROCEDURES**

- 2.1 **Meet minimum requirements.** In planning and developing a subdivision, the developer shall comply with the general principles of design and minimum requirements for the layout of subdivisions set forth in Article 3; with the regulations concerning improvements as set forth in Article 4 of these regulations, and the requirements set forth in the Design Manual; and in every case he shall observe the following procedure.
- 2.2 **Submission of Preliminary Plan of Subdivision.**
  - A. **The subdivider shall prepare a preliminary plat of the proposed** subdivision conforming with the requirements set forth in Article 5. At least thirty (30) days prior to a regularly scheduled meeting of the Planning Commission 17-21 black line mylar or similar prints of the plat shall be filed with the Planning Commission.
  - B. The preliminary plat will be checked as to its conformity with the City Master Plan, the City Zoning Ordinance, and other applicable provisions, and the principles, standards and requirements hereinafter set forth. Copies will be referred to any other county or state agencies that may be concerned with public improvements or health requirements.
  - C. The Planning Commission will make a finding regarding the adequacy of public facilities related to the submission. The Planning Commission will not approve the preliminary plat unless all the public facilities are deemed adequate.
  - D. At its regular meeting the Planning Commission shall approve or disapprove the preliminary plat, or may approve it subject to specific changes or modifications. Reasons for disapproval will be noted on the plat. Approval of a preliminary plat shall be valid for not more than three years, unless extended by the Planning Commission upon a request to be granted if the Planning Commission finds that plans for and conditions in the neighborhood have not changed since the original approval. No plat shall be approved that is in conflict with these subdivision regulations, any zoning ordinances or with the Brunswick Master Plan. (Amended Ord. 404)